CLERK'S COPY.

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1923

No. 2, Original

THE STATE OF ARKANSAS, COMPLAINANT,

vs.

THE STATE OF TENNESSEE

SUPPLEMENTAL REPORT OF THE COMMISSIONERS

C. B. BAILEY,
HORACE VAN DEVENTER,
CHAS. A. BARTON,
Commissioners.

FILED NOVEMBER 7, 1923

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1923

No. 2, Original

THE STATE OF ARKANSAS, COMPLAINANT,

vs.

THE STATE OF TENNESSEE

SUPPLEMENTAL REPORT OF THE COMMISSIONERS

INDEX

	Original	Print
Supplemental report of the commissioners	1	1
Designation by defendant as to printing supplemental report of commissioners and maps thereto	4	1
Exhibit—Burke map, plat, and survey of land in Tipton County, Tennessee, 1877	5	3
Exhibit D to Humphrey's Testimony—Map of Humphreys, November, 1901	6	7
Exhibit No. 3 to La Vasseur's Testimony—Map showing Mississippi River between Pecan Point and Island 39	7	8
Exhibit No. 5 to La Vasseur's Testimony—Survey of Mississippi River, Chart No. 18	8	9
Exhibit No. 9 to La Vasseur's Testimony—Map of Mississippi River from Pecan Point to Brandywine Island	9	10
Exhibit No 3 to Green's Testimony—Green's map of Dean's Island, January 5, 1910	10	10
Exhibit A to Bentley's Testimony—Sheet No. 7, Mississippi Commission's Chart	11	12

JUDD & DETWEILER (INC.), PRINTERS, WASHINGTON, D. C., FEBRUARY 14, 1924

[fol. 1] **IN SUPREME COURT OF UNITED STATES**

No. 4, Original

STATE OF ARKANSAS

vs.

STATE OF TENNESSEE

SUPPLEMENTAL REPORT—Filed November 7, 1923

Your Commissioners appointed to determine the boundary line between the States of Arkansas and Tennessee, in the region of the Centennial Cut-Off, report that upon receiving the printed record, counsel for the two states complain that the exhibits referred to in the report and omitted because they belonged to the records of the Supreme Court of Tennessee and the Chancery Court of Shelby County, Tennessee, are necessary for the understanding of the case and insist that they should go into the record. They advise the Commission that it is right and proper that these maps should be filed in this case, and we herewith file the maps alluded to in the report as being withheld for the above reason.

C. B. Bailey, Chairman. Horace Van Deventer, Member.
Chas. A. Barton, Secretary.

[fol. 2] [Endorsed:] 2, Orig'l. Sup. Report of Comm'rs.

[fol. 3] [File endorsement omitted.]

[fol. 4] DESIGNATION BY DEFENDANT AS TO PRINTING SUPPLEMENTAL REPORT AND MAPS—Filed February 12, 1924

The complainant, State of Arkansas, having indicated through its counsel that it does not care to have any of the maps accompanying the supplemental report of the commissioners printed or reproduced, the State of Tennessee hereby requests that the said supplemental report be printed and designates the following maps accompanying said report as those which it desires to have reproduced:

Burke's original map of 1879, (small one sent you separate from the other maps.)

Exhibit "D" to deposition of J. H. Humphreys, C. E., dated November, 1901, made by J. H. Humphreys.

Exhibit No. 3 to deposition of Charles Le Vasseur, C. E., (no date), made by A. E. Arredge, C. E., U. S. S.

Exhibit No. 5, to deposition of Charles Le Vasseur, sheet 18, Mississippi River Commission's chart, dated 1879-80.

Exhibit No. 9, to deposition of Charles Le Vasseur, C. E., made by J. A. Green.

Exhibit No. 3 to deposition of J. A. Green.

Exhibit "A", of E. J. Bentley, sheet No. 7, Mississippi River Commission's chart.

[fol. 4a] The complainant transmits herewith voucher warrant of the Treasurer of the State of Tennessee for the sum of $640.00, being the estimated cost of printing said supplemental report and the map above designated.

Very truly yours, G. T. Fitzhugh, Attorney for the State of Tennessee. GTF-G. Encl.

[fol. 4b] [File endorsement omitted.]

(1930)

T. A. Nelson
vs. No 775
M. L. Trigg et. als

pltf /

In the above cause I have Surveyed two Tract of Land. Lying and being in Tipton County Tennessee. in Range 9. Section 5. on the Mississippi River. one Tract Containing 33.$\frac{75}{100}$ acres, and the other Containing 305.$\frac{75}{100}$ acres. Bounded and Butted as follows to wit:

One Tract Containing 33 $\frac{75}{100}$ acres.

Begins at a Stake on the Bank of the Mississippi River. thence down said river with its Meanders. N. 75° W. 16. chs. N. 76½ W. 32 chs. S. 50½ W. 3 chs & 8 links. S. 43° West. 11 chs & 50 links, thence East 56. chs & 80 links to the point of Beginning. this tract is all open land and in Cultivation. has no building and but very little fencing. the river front is a caving or sliding bank.

One Tract Containing 305.$\frac{75}{100}$ acres.

Beginning at a Stake on the Bank of the Mississippi River, or Centinial Cut off. at the deviding line between C. A. Stockley, and John Trigg. land. thence North 97. chs and 14 links to a Small Cotton Wood Marked T on the bank of old River. thence up old River

South 71° East. 11. chs.
South 50° East, 13. chs

488

776

T. A. Nelson

Vs. 3 3 775

M. L. Trigg et als

Plat & Survey of Land in Tipton County Tenn.

Filed Oct. 29. 1877
E. A. Cole
Clk

30

Surveyor fee including all expenses. $50.00

FILE COPY.

Office Supreme Court, U. S.
FILED.
FEB 27 1911
JAMES H. McKENNEY,
CLERK.

4285
9.6.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1910.

C. 276. Orig. 82

No. [redacted], Original.

THE STATE OF ARKANSAS, COMPLAINANT,

vs.

THE STATE OF TENNESSEE.

BILL OF COMPLAINT.

HAL L. NORWOOD,
Attorney General of the State of Arkansas, and
CARUTHERS EWING,
Solicitors for the Complainant.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1910.

No. , Original.

THE STATE OF ARKANSAS

vs.

THE STATE OF TENNESSEE.

BILL IN CHANCERY.

To the Honorable Chief Justice and Associate Justices of the Supreme Court of the United States:

The State of Arkansas, by Hal L. Norwood, its Attorney General, brings this bill against the State of Tennessee, and, respectfully complaining, shows unto this honorable court—

I.

That by deed dated the 25th day of February, 1790, the State of North Carolina ceded to the United States certain territory, and as the western boundary thereof is alone material to this proceeding it alone will be stated, the same being "the middle of the Mississippi river." (Vol. 1, American State Papers, Public Land, pp. 17.)

By ch. XLVII of Acts of Congress of 1796, June 1, the State of Tennessee was admitted to the Union and the territory embraced within said State was described as "the whole of the territory ceded to the United States by the State of North Carolina." (1 U. S. Stat. at Large, p. 491.)

II.

On June 23, 1836, by chapter 120 of Acts of 1836, the State of Arkansas was admitted into the Union and the description of the boundary thereof, material here, was—

> "beginning in the middle of the main channel of the Mississippi river" * * *

following proper calls until same came back—

> "to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of the said river to * * * the point of beginning." (5 U. S. Stat. at Large, 50-51.)

III.

That in and prior to 1836 the Mississippi river flowed between the States of Tennessee and Arkansas, in so far as is material to this controversy, about as follows:

From Pecan Point, in Arkansas, at or near the head of Dean's Island, in the State of Arkansas, the said river flowed in a southernly direction, and thence around said Dean's Island and at or about the southwest end thereof the river turned in a northernly direction and the main channel flowed around Island No. 37, in the State of Tennessee, the lesser channel passing between said island and the main Tennessee shore, through McKenzie Chute. The main and lesser channels met at the southern extremity of said Island No. 37 and said river continued due south for a distance and then made an acute curve, flowing north, forming what was known as Devil's Elbow, proceeding northwardly to what was known as Brandywine Point; the said river made another acute curve around Brandywine Bar and continued in its general southerly course.

The United States caused a reconnoissance of the *locus in quo* to be made in 1874 by Col. Charles R. Suter, under the direction of the War Department of the United States, and a reduction of the map or plat made by him is hereinafter used for illustrative purposes, from which the course and current of the river can be readily followed. The earliest recorded survey of the *locus in quo* was made in 1823, and from the